

# February 4, 2014, LUEAAC Agenda Item Comments

Comments on the Newport Beach Land Use Element Amendment Advisory Committee agenda from:

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## Item 2. Approval of Minutes (January 7, 2014, meetings)

In addition to the corrections suggested by Committee member Paul Watkins in his [email](#) dated January 30, 2014 (posted with the present [agenda materials](#)) I would suggest the following changes:

1. Handwritten page 3, section II, paragraph 1: “*Watkins moved to approve the minutes from December 3rd and 16th as augmented by the audio tapes and comments received ~~by from Walker Watkins~~ and Jim ~~Mesure~~ Mosher.*”
2. Handwritten page 3, section III, paragraph 2: “*● Goal LU1 - A request was made to retain the existing policy. (Committee members Gardner and Melby were opposed to ~~maintaining changing the current General Plan~~ language).*”
3. Handwritten page 4, paragraph 2: “*Action: 1) Record no vote from Council Member Gardner and Committee Member Melby regarding ~~maintaining changing~~ the ~~existing~~ language in Goal LU1; ....*”

Note: the reason for suggested changes 2 & 3 is that I think most people who did not attend the January 7 meeting would assume “*opposed to maintaining*” means Committee members Gardner and Melby were the only members who ***didn’t*** want to maintain LU1 the way it reads in the current General Plan. My recollection is the opposite of that: they are the only members who ***wanted*** to maintain it as it currently exists.

I might also note that I find the minutes extremely sketchy, and that without reference to the documents being voted on and the audio recording, I don’t think the minutes would give anyone who was not there more than the vaguest idea of what happened. Unfortunately, I don’t believe the City’s current Records Retention Schedule calls for preserving either the recording or the supporting documents.

## Item 4. Preliminary Traffic Analysis Findings

In connection with this item, I would like to call the Committee's attention to the 2006 ballot language produced as a result of the previous citizens [General Plan Advisory Committee](#) effort.

It can be read in City Council Resolution 2006-77, which can be found here:

<http://ecms.newportbeachca.gov/Web/0/doc/56370/Page1.aspx>

The reason a "Greenlight" vote was needed is presumably that the new General Plan **increased** traffic or development in some statistical areas. Yet voters were assured that overall a "yes" vote would:

*"provide for a reduction of an estimated 28,920 average daily vehicle trips, including 1,121 morning and 958 evening peak hour vehicle trips, by reducing non-residential development square footage by 449,499 square feet while concurrently increasing the number of residential dwelling NO units by 1,166 units."*

I understand this does not mean exactly what many would assume it says, but considering the development that has occurred in Newport Beach since November 2006, I think few who voted "yes" would feel the promised reductions in traffic and non-residential development have occurred.

I hope the 2014 analysis will not be presented in a similarly deceptive manner.

## Item 5. Public Comments on Non-Agenda Items

I was intrigued by the email entitled "*Spot Zoning rather than legitimate Land Use Planning?*" that was received by City staff and [posted](#) under "[Additional Materials](#)" related to the present meeting.

The word "spot zoning" captures my sense of how the work product of the LUEAAC seems to be a crazy quilt of responses to special interest requests rather than a true "general plan" vision for the future of the City.

In this regard, the Committee may be interested in the recent opinion of California's Appellate Court, filed on January 13 in the case of [Foothill Communities Coalition v. County of Orange](#) (available at: <http://www.courts.ca.gov/opinions/documents/G047326.PDF>) which says it was published to clarify what constitutes "spot zoning" and when it is permissible (and when not) in California.